

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit for the Pacheco Pass Transfer Station
SWIS No. 43-AA-0034
January 01, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Santa Clara County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed New Solid Waste Facilities Permit for the Pacheco Pass Transfer Station, SWIS No. 43-AA-0034, located in Santa Clara County, owned and operated by Recology Pacheco Pass (RPP). A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The initial application for a new proposed permit was received by the Department on September 13, 2011. A new proposed permit was received on November 2, 2011 and November 4, 2011. Action must be taken on the proposed permit no later than January 01, 2012. If no action is taken by January 3, 2012, the Department will be deemed to have concurred with the issuance of the proposed permit.

Proposed Project

The following are the parameters of the proposed project:

	Proposed Permit
Activities	New Transfer/Processing Facility
Permitted Area	16.3 acres
Permitted Hours/Days of Operation	Receipt of Refuse/Waste: 6:00 a.m. to 6:00 p.m. – Open 7 days/week Closed: New Year's Day, Easter, July 4 th , Thanksgiving and Christmas
Permitted Tons per Operating Day	1,000 tons per day
Permitted Traffic Volume	341 Vehicles per Day: The incoming and outgoing vehicle traffic is regulated by the County of Santa Clara Use Permit approved Feb 3, 2011. The total of 341 vehicles per day includes the transfer station, the compost facility, and the wood processing facility. Transfer station traffic will be a subset of the total Recology Pacheco Pass (RPP) traffic. Each vehicle in the total includes both inbound and outbound trips.
Waste Types	Mixed Municipal Solid Waste (MSW), single stream recyclables (mixed papers, cardboard, mixed commingled containers, construction demolition debris, aluminum and tin cans, glass, polystyrene, high-density polyethylene plastic containers, polyethylene terephthalate plastic containers, scrap metal and miscellaneous metallic appliances), waste requiring special handling (universal waste, used motor oil)
Facility Design Capacity Throughput	1,155 tons/day

Findings:

Staff recommends concurrence with the issuance of the proposed new Solid Waste Facilities Permit. All of the required submittals and findings required by Title 27, Section 21685 have been made and the required California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permits and Certification Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated September 6, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	CalRecycle received from the LEA a proposed Solid Waste Facilities Permit on November 2, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their initial permit submittal package received on September 13, 2011, provided a finding that the facility is consistent with PRC 50001. The Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element and is consistent with the Countywide Integrated Waste Management Plan, as described in the memorandum dated October 6, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	The facility is currently in the development phase and therefore not in operation. During a site visit conducted on October 11, 2011, Department staff found that the facility design and operations are compatible with those described in the Transfer Processing Report (dated June 2011) and would allow the facility to comply with all state minimum standards. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their initial permit submittal package received on September 13, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The LEA posted the public notice dated August 11, 2011, regarding the proposed new Solid Waste Facilities Permit. No comments were received by the LEA and no comments were received by Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to	Permit and Assistance Branch staff found that the	<input checked="" type="checkbox"/> Acceptable

CCR Title 27 Sections	Findings	
Support Responsible Agency's Findings	proposed permit is consistent with CEQA and supports the Branch Chief's concurrence in the permit. See details below.	<input type="checkbox"/> Unacceptable

Compliance History:

The proposed facility site is within the existing 136-acre Recology Pacheco Pass Landfill (RPPLF) located at 3675 Pacheco Pass Highway in the unincorporated area of southern Santa Clara County in the city of Gilroy. Recology Pacheco Pass (owner and operator) is proposing to construct and operate a 47,423 square foot transfer station within the permitted landfill boundaries of RPPLF. The landfill on the property stopped receiving waste for disposal on September 30, 2008, and is currently implementing final closure per the provisions in their Final Closure Postclosure Maintenance Plan. The Transfer Processing Facility is designed to receive, transfer, and dispatch an average of 500 tons of solid waste and mixed recyclable materials per day based on a seven day per week basis. Peak receipt of waste will not exceed 1,000 tons per day. A site visit was conducted by Department staff on October 11, 2011. Staff observed that the facility design and operations are compatible with those described in the Transfer Processing Report (dated June 2011) and would allow the facility to comply with all state minimum standards with regard to the proposed transfer and processing activities.

Environmental Analysis:

Under the requirements of the California Environmental Quality Act (CEQA), the Department must consider the environmental document(s) (ED(s)) prepared by the lead agency that analyze for potentially significant impacts that would occur if the proposed project were to be implemented. Public Resources Code Section 21002.1(b) states that "each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Upon consideration in the concurrence of the issuance of new Solid Waste Facilities Permit No. 43-AA-0034, for the Pacheco Pass Transfer Station (PPTS), the Department must evaluate the EDs for CEQA compliance in accordance with the CEQA Guidelines (14 CCR 15000 et. seq.) before the Department can concur in its issuance.

One ED was prepared and circulated by the Santa Clara County Department of Planning and Development, acting as lead agency, for the site:

- 1) A Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2010102041, was circulated for a 30-day review period from October 25, 2010, through November 23, 2010. The MND described and analyzed for the development and operation of a 47,423 square foot transfer station and recycling facility on 7.05 acres within the permitted landfill boundaries of the Recology Pacheco Pass Landfill (RPPLF). The planned final use of the landfill upon closure is vegetated, non-irrigated open space. The proposed PPTS would be located in the existing soil borrow area west of an existing composting facility that is sited along the eastern boundary of the RPPLF property. In addition to the South Valley Organics Composting Facility (SVOCF) and the inactive RPPLF, the subject property houses surface water control facilities, a wood chip and grind operation and ancillary facilities that are to remain on-site. The MND also analyzed for the closure of the inactive RPPLF that stopped receiving waste for disposal on September 30, 2008.

The MND was prepared by the Santa Clara County Department of Planning and Development and was adopted by the Santa Clara County Board of Supervisors on December 7, 2010. A Notice of Determination (NOD) was filed with the County Clerk on February 22, 2011 for this MND.

The project is for the issuance of a new full Solid Waste Facilities Permit by the Santa Clara County Department of Environmental Health, the Local Enforcement Agency (LEA), which will include operating and design conditions for the proposed transfer processing facility activities. The 7.05 acres identified in the MND covered the area of construction and related work for the new transfer station and analyzed any associated impacts for this work. The 16.3 acres determined as the SWFP boundary includes existing ancillary facilities such as the scale house, drainage systems, roads, etc. that have been reviewed and analyzed under previous environmental documents for the landfill and compost site. There were no new impacts or changes proposed for these ancillary facilities (scale house, ponds, etc.), and therefore, not required to be analyzed in the MND. The LEA has made a finding that “[t]he [MND] describes and supports the design and operation, which will be authorized by the issuance of this permit.”

Department staff finds that the MND addresses the project under consideration and that there is no potential for significant impact(s), with mitigation measures, that will result upon the issuance of full Solid Waste Facilities Permit 43-AA-0034. Department staff further recommends the 2010 MND is adequate for the Department's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department. There are no grounds under CEQA for the Department to prepare a subsequent or supplemental ED or assume the role of lead agency for its consideration of the proposed Solid Waste Facilities Permit.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA (including the MND adopted by the Santa Clara County Board of Supervisors), the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. According to the 2010 census, the population of Census Tract 5126.02 indicates that the surrounding population is approximately 63.9% white, 0.4% black or African American, 6% Asian and 29.7% some other race. 55.5% of the total population in the Census Tract identify themselves as Hispanic or Latino. 8% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The notice of the Public Informational Hearing was posted in the local newspapers, on the LEA's website, and mailed to nearby property owners and public officials. The LEA received no written comments from the posted public notice. On August 11, 2011, a Public Informational Meeting was held at the City of Gilroy City Hall Chambers to hear comments on the new proposed SWFP; no oral comments were received during this meeting.

Department staff has not received any oral or written public comments.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meeting on October 18, 2011.